IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

THURSDAY, THE TWENTY FIFTH DAY OF NOVEMBER
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MR JUSTICE G. BIKSHAPATHY

and
THE HON'BLE MR JUSTICE P.S.NARAYANA

WRIT APPEAL No: 1813 of 2004

(Writ Appeal under Clause 15 of the Letters Patent against the Order dated 30/06/2004 in WP No: 23458 OF 2003 on the file of the High Court.)

Between:

1 Mr. Ch. Sampath Reddy, S/o. Malla Reddy,
APNPDCL, Warangal.
2 Mr. B. Eshwar Prasad, S/o. Rajamalolu,
APNPDCL, Karimnagar.
3 Mr. B. Samya, S/o. Bhojya, APNPDCL, Warangal.
4 Mr. A. Vijender Reddy, S/o. Janardhan Reddy,
APNPDCL, Warangal.
5 Mr. Y. Rambabu, S/o. Sri Maruti Sharma, APNPDCL, Jagityal.
6 Mr. S. Mallikarjun, S/o. Buchi Narsaiah,
In Northern Power Training Institute, Warangal.

..... APPELLANTS

AND

1 K. Chandramouli, S/o. Guruvaiah, Warangal.
2 M. Shankar Reddy, S/o. Narayana, Warangal.
3 P. Janardhan, S/o. Guruvaiah, Warangal.
4 Krishnaayer Raju, S/o. Ramanujayya, Warangal.
5 N. Raja Reddy, S/o. Rajaram, Warangal.
6 P. Narsaiah, S/o. Narsaiah, Warangal.
7 A.P. Northern Power Distribution Company Limited, Rep. by its Chairman-Cum-MD, Warangal.
8 The Chief General Manager (HRD), Northern Power Distribution Company of A.P. Limited, Warangal District.
9 The Chief General Manager (HRD & Trg), APTRANSCO, Hyderabad.

(Respondents 1 to 6 are working as Additional Engineers in A.P.N.P.D.C.L., Warangal)

.....RESPONDENTS

Counsel for the Appellant: MR.S.SHARAT KUMAR

Counsel for the Respondents: MR.K.VASUDEVA REDDY, Advocate and Sri. S. Ravindrenath, Standing Counsel.

The Court made the following:

ORAL ORDER: (BY GB,J,)

The Writ Appeal is filed challenging the order, dated 30.6.2004 passed by the learned Single Judge in W.P.No.23458 of 2003.

2. The Additional Assistant Engineering Diploma Holders filed the Writ Petition seeking writ of Mandamus declaring the action of the respondents in the Writ Petition in not following the ratio of 3:1 while filling up the posts of Assistant Divisional Engineers, as contemplated under Note (1) of Regulation 6(b), Part-III/Annex.III of APSEB Service Regulations as illegal and arbitrary.

3. The learned single Judge after hearing the matter disposed of the Writ Petition with a direction to conduct the review within two months from the date of receipt of a copy of the order. Against the said order, the decree holders have preferred the present Writ Appeal.

4. It is the contention of the learned counsel for the appellants that as they are not even parties before the learned single Judge, the order of learned Judge would affect their service, and therefore, the order is in violation of principles of natural justice.

5. We are afraid we cannot accept the contention raised by the learned counsel for the appellants. The learned single Judge directed review of the case duly following the principles of natural justice. Under those circumstances, no prejudice can be said to cause to the Writ Appellants as they will have an opportunity in case their services are being affected by review. The following is the order of the learned

single Judge:

> "Before conducting the review as directed above, the 1st and 2nd respondents shall with expedition also comply with the principles of natural justice, if found warranted. In no case, however, would be it legitimate for the respondents to pass off normal promotions as limited recruitment as such a procedure would constitute a heresy of the service regulations and would clearly be subversive of the public interest.
>
> Under these circumstances, the Writ Petition is disposed of directing the respondents to conduct review as aforesaid within a period of two months from the date of receipt of a copy of this order. No costs."

6. We do not find any ground to interfere with the order passed by the learned Single Judge.

7. In the result, the Writ Appeal is dismissed. No costs.

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(G. BIKSHAPATHY, J.)

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(P.S. NARAYANA, J.)

Date: 25-11-2004

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To

1 The Chairman-Cum-MD, A.P. Northern Power Distribution

Company Limited, Warangal.
2 The Chief General Manager (HRD), Northern Power Distribution Company of A.P.
Warangal District.

3 The Chief General Manager (HRD & Trg), APTRANSCO, Hyderabad.

4 2 CD copies.